IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

AT ROANOKE VA FILED		
JAN 0 7	2009	

BY: JOHN F. CORCORAN, CLERK

KERIN W. FLATTERY,)
) Civil Action No. 7:08CV00256
Plaintiff,)
) ORDER
v.)
) By: Hon. Glen E. Conrad
SOUTHWEST VIRGINIA FERTILITY) United States District Judge
CENTER, LLC, et al.,)
)
Defendants.)

In accordance with the accompanying memorandum opinion, it is hereby

ORDERED

as follows:

- The motion for summary judgment filed by Hospital Corporation of America (docket no. 17) is **DENIED WITHOUT PREJUDICE**; and
- 2. The motion to compel filed by the plaintiff (docket no. 23), which the court construes as a motion for discovery under Rule 56(f), is **GRANTED**.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to all counsel of record.

ENTER: This $\gamma^{\mathbf{M}}$ day of January, 2009.

United States District Judge

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